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SUBJECT: KOSOVO: SRSG ZANNIER UPDATES SECURITY COUNCIL ON
UNMIK DOWNSIZING

¶1. (SBU) SUMMARY. Kosovo SRSG Lamberto Zannier told the Security Council on June 17 that UNMIK's nearly completed reconfiguration is "timely and necessary" due to UNMIK's "limited capacity" to perform administrative functions in Kosovo. Zannier, along with Serbian Foreign Minister Vuk Jeremic, noted statements by Kosovo leaders that they had "no legal obligation" to adhere to Resolution 1244, which established UNMIK, though Zannier also noted practical cooperation by Kosovar officials with UNMIK and EULEX at the working level. Kosovo Foreign Minister Hyseni reaffirmed that Kosovo would respect and adhere to international law and "binding resolutions of this body." Hyseni said a statement by Jeremic that 200,000 Serbs were unable to return to their homes was inflated, but said Kosovo is ready to do whatever is necessary to facilitate the return of all ethnic groups. Most Council members focused their remarks on the need to ensure practical cooperation on the ground among UNMIK, EULEX, Kosovar and Serbian officials. Ambassador DiCarlo called for a further downsizing of UNMIK to reflect only functions that cannot be performed by Kosovo institutions or other international organizations on the ground. END SUMMARY.

Zannier Defends UNMIK Downsizing

¶2. (SBU) Special Representative of the Secretary-General Lamberto Zannier told the Security Council during a June 17 public debate that UNMIK reconfiguration was "timely and necessary" due to the circumstances on the ground in Kosovo, which had limited UNMIK's capacity to carry out administrative functions. He said that UNMIK would increasingly take on a "diplomatic and facilitation" role in Kosovo. Zannier defended the SYG's reduced budget request (down from approximately 4900 positions in 2008-2009 to 507 for 2009-2010) as "adhering strictly to established guidelines", adding that the drastic cut in positions reflected not only the new role of the EU Rule of Law Mission (EULEX), but also the continuing role played by the OSCE in monitoring human rights and the rights of minority communities.

¶3. (SBU) Zannier noted that several ethnic-Serb communities had worked out practical payment arrangements with the Kosovo Energy Corporation (KEC), which had allowed power to be restored to their villages. He also reported that work on the reconstruction of Serbian cultural patrimony had recently resumed after a year-long stalemate over tendering procedures. He acknowledged the slow pace of returns of the Serb minority to Kosovo, and suggested that UNHCR could take up a role formerly held by the Kosovo Property Agency in facilitating Serb returns.

Serbia's Jeremic Asserts Need for Greater UN, Serbian Role

¶ 14. (SBU) Serbian Foreign Minister Vuk Jeremic asserted that UNMIK's downsizing should be frozen at the current level, and that additional positions proposed by Serbia for the UNMIK budget in the 5th Committee should be approved in order to reinforce the continuing role of UNMIK in coordinating the activities of EULEX and other international organizations in Kosovo. Jeremic accused the Kosovar authorities of provocations, including "targeted power cuts, pressure to sign loyalty oaths, and the construction of new, unauthorized housing settlements." He called for no new recognitions of Kosovo's independence pending an advisory opinion of the International Court of Justice on the legality of Kosovo's declaration of independence under international law. He claimed that 200,000 Serbs still wanted to return to Kosovo and that 40,000 property claims had still not been adjudicated by the Kosovo Property Agency. Jeremic reiterated Zannier's suggestion that UNHCR should take over the adjudication of property cases.

¶ 15. (SBU) Turning to the Secretary-General's "six-point dialogue", Jeremic said that Serbia was cooperating on practical issues. However, he said, ethnic-Serb police offices were not ready to return to their jobs due to fears of a "hostile work environment." He also noted the issue of the jurisdiction of the North Mitrovica court and the applicability of UNMIK law in Serb populated areas had slowed progress on judiciary questions. On customs, he was emphatic that Serbia would not accept the UNMIK-approved Kosovo customs stamp, and would therefore continue to hold-up cooperation with Kosovo on the Central European Free Trade Agreement (CEFTA).

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Kosovo's Hyseni Commits to Respect International Law

¶ 16. (SBU) Kosovo Foreign Minister Skender Hyseni reiterated his request for the Security Council to bring UNMIK's mandate to an end, though he also pointed out the explicit commitment in Kosovo's Declaration of Independence and in its Constitution to respect and adhere to international law, "including binding resolutions of this body." Hyseni said that state institution building was continuing, including the recent appointment of a Central Elections Commission, the recent election by Parliament of members to the Constitutional Court, and the continued build-up of a Kosovo Security Force, which would be focused primarily on emergency response. Hyseni noted the recent election of Kosovo to the IMF and the World Bank. He said that Kosovo was working on the integration of minorities, but said the Republic of Serbia had continued to act to prevent Serbs in Kosovo from cooperating with Kosovo institutions.

¶ 17. (SBU) During a "right of reply" statement at the end of the debate, the Foreign Minister challenged Jeremic's assertion that 200,000 Serbs had still not returned to Kosovo. Hyseni said that the highest Serb population recorded in Kosovo prior to 1999 had been 195,000 and that the current Serb population stood at about 135,000, and therefore it would be impossible for 200,000 Serbs to be waiting to return. At the same time, he said, Kosovo is "committed and interested to return every single displaced person and refugee, and stands ready to provide at any cost the conditions for their return."

Council Members Seek Greater Practical Cooperation

¶ 18. (SBU) Ambassador DiCarlo reinforced positive developments on the ground, including the election of members of the Constitutional Court and the appointment of a Central

Elections Commission. DiCarlo encouraged UNMIK to continue downsizing in response to the positive developments on the ground, so that UNMIK would carry out only functions that the Government of Kosovo or other international presences could not perform themselves. She encouraged Kosovo to continue to facilitate the return of refugees and IDPs and to continue its outreach to the Serb minority. She also reinforced the need for Serbia to support the integration of Kosovo Serbs into local institutions. DiCarlo called on Serbia to keep to its CEFTA commitments and un-block trade with Kosovo.

¶9. (SBU) All of the Council members pointed out the need for practical cooperation between UNMIK and EULEX, as well as the need for the Kosovar authorities to continue its outreach to the ethnic-Serb minority.

¶9. (SBU) In contrast to calls by most Council members for the return of refugees and IDPs, Russian Permrep Churkin focused on the rebuilding of homes by ethnic-Albanians in Serb majority areas, saying that the right of return ought to be considered "on an equal footing" with the wishes of the local community. Churkin also stated that Russia would support Serbia's effort in the 5th Committee to ensure that UNMIK had sufficient resources to carry out its functions.

¶10. (SBU) China, Libya, Vietnam and Uganda reaffirmed the need for EULEX to operate under the overall authority of the UN, and reinforced the need to ensure that UNMIK had sufficient budget and personnel to carry out its mandate. They also all encouraged UNMIK to continue efforts at political mediation between Belgrade and Pristina.

11.. (U) A complete transcript of the June 17 debate can be found on-line at www.un.org
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